

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WAYNE ALLEN COLSON : CIVIL ACTION  
 :  
 v. :  
 :  
 JOHN MCCULLOUGH, et al. : NO. 02-3482

**ORDER**

AND NOW, this \_\_\_\_ day of May, 2003, upon consideration of the Petition for Writ of Habeas Corpus, the response thereto, and petitioner's Objections to the Report and Recommendation of M. Faith Angell, United States Magistrate Judge, and all other relevant documents, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED AND ADOPTED in light of Merritt v. Blaine, No. 01-2455, 2003 WL 1879009 (3d Cir. Apr. 16, 2003);
2. The Petition for Writ of Habeas Corpus is DENIED AND DISMISSED AS TIME BARRED under 28 U.S.C. § 2244(d)(1);
3. There is no probable cause to issue certificate of appealability.

BY THE COURT:

\_\_\_\_\_  
JAMES T. GILES C.J.

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